

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: CARDIAC REINFORCEMENT DEVICE

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on October 2, 1996 as application serial no. 08/720,556 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adriano, Sarah B.	Reg. No. 34,470	Kettelberger, Denise	Reg. No. 33,924
Batzli, Brian H.	Reg. No. 32,960	Kowalchyk, Alan W.	Reg. No. 31,535
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Beck, Robert C.	Reg. No. 28,184	Krull, Mark A.	Reg. No. 34,205
Bejin, Thomas E.	Reg. No. 37,089	Lacy, Paul A.	Reg. No. 38,946
Berman, Charles	Reg. No. 29,249	Lasky, Michael B.	Reg. No. 29,555
Bogucki, Raymond A.	Reg. No. 17,426	Lynch, David W.	Reg. No. 36,204
Bruess, Steven C.	Reg. No. 34,130	Mau, Michael L.	Reg. No. 30,087
Byrne, Linda M.	Reg. No. 32,404	McDaniel, Karen D.	Reg. No. 37,674
Canady, Karen S.	Reg. No. 39,927	McDonald, Daniel W.	Reg. No. 32,044
Carlson, Alan G.	Reg. No. 25,959	McDonald, Wendy M.	Reg. No. 32,427
Carter, Charles G.	Reg. No. 35,093	McIntyre, Iain A.	Reg. No. 40,377
Caspers, Philip P.	Reg. No. 33,227	Miller, William D.	Reg. No. 37,988
Chiapetta, James R.	Reg. No. 39,634	Mueller, Douglas P.	Reg. No. 30,300
Clifford, John A.	Reg. No. 30,247	Nasiedlak, Tyler L.	Reg. No. 40,099
Conrad, Timothy R.	Reg. No. 30,164	Nelson, Albin J.	Reg. No. 28,650
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Crawford, Robert	Reg. No. 32,122	Plunkett, Theodore	Reg. No. 37,209
Daignault, Ronald A.	Reg. No. 25,968	Pollinger, Steven J.	Reg. No. 35,326
Daley, Dennis R.	Reg. No. 34,994	Reich, John C.	Reg. No. 37,703
Daulton, Julie R.	Reg. No. 36,414	Reiland, Earl D.	Reg. No. 25,767
Davidson, Ben M.	Reg. No. 38,424	Schmaltz, David G.	Reg. No. 39,828
Dempster, Shawn B.	Reg. No. 34,321	Schmidt, Cecil C.	Reg. No. 20,566
DiPietro, Mark J.	Reg. No. 28,707	Schuman, Mark D.	Reg. No. 31,197
Edell, Robert T.	Reg. No. 20,187	Schumann, Michael D.	Reg. No. 30,422
Epp Ryan, Sandra	Reg. No. 39,667	Sebald, Gregory A.	Reg. No. 33,280
Farber, Michael B.	Reg. No. 32,612	Sharp, Janice A.	Reg. No. 34,051
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Gould, John D.	Reg. No. 18,223	Tellekson, David K.	Reg. No. 32,314
Gresens, John J.	Reg. No. 33,112	Underhill, Albert L.	Reg. No. 27,403
Hamre, Curtis B.	Reg. No. 29,165	Vandenburgh, J. Derek	Reg. No. 32,179
Hassing, Thomas A.	Reg. No. 36,159	Welter, Paul A.	Reg. No. 20,890
Hillson, Randall A.	Reg. No. 31,838	Williams, Douglas J.	Reg. No. 27,054
Hollingsworth, Mark A.	Reg. No. 38,491	Wood, Gregory B.	Reg. No. 28,133
Johnston, Scott W.	Reg. No. 39,721	Xu, Min S.	Reg. No. 39,536
Kastelic, Joseph M.	Reg. No. 37,160		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould, Smith, Edell, Welter & Schmidt to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Alferness	First Given Name Clifton	Second Given Name A.
0	Residence & Citizenship	City Redmond	State or Foreign Country Washington	Country of Citizenship USA
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Signature of Inventor 201:			Date: 29 Nov '96	
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Signature of Inventor 202:			Date:	
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Signature of Inventor 204:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
5	Post Office Address	Post Office Address	City	State & Zip Code/Country
Signature of Inventor 205:			Date:	

S/N New Filing

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Clifton A. Alferness	Examiner:	New Filing
Serial No.:	New Filing	Group Art Unit:	New Filing
Filed:	New Filing	Docket No.:	11998.1US10
Title:	CARDIAC REINFORCEMENT DEVICE		

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Acorn Cardiovascular, Inc., a corporation organized and existing under the laws of the State of Minnesota, having a place of business at 601 Campus Drive, St. Paul, Minnesota, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor(s), of the patent application identified above. The assignment was recorded in the Patent and Trademark Office on December 1, 1996, at Reel 8315, Frame(s) 0463, or for which a copy is attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Sept 25, 2003

By: _____

Name: J. Edward Shapland

Title: Senior Vice President